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TOP STORY

# Formal complaint filed with S.C. agency over unlicensed engineering at nuclear plant

By Andrew Brown [abrown@postandcourier.com](mailto:abrown@postandcourier.com) Oct 19, 2017

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A formal complaint as been filed with the South Carolina board of engineering over the lack of professional engineering during the construction of two nuclear reactors at V.C. Summer station in Fairfield County. File/Provided/SCANA Corp.



COLUMBIA — A formal complaint has been filed over Westinghouse's decision not to use professional engineers to draft the construction blueprints for a pair of \$9 billion abandoned nuclear reactors in South Carolina.

Engineers who worked on V.C. Summer Nuclear Station near

**Westinghouse legal opinion**  
Sep 19, 2017

**Complaint filed over  
unlicensed engineering**  
By Andrew Brown  
[abrown@postandcourier.com](mailto:abrown@postandcourier.com)  
Oct 19, 2017

Jenkinsville said the lack of professional oversight of the blueprints contributed to thousands of design revisions, construction setbacks, schedule changes and the ultimate demise of the reactors.

Tom Clements, an activist with the environmental group Friends of the Earth, submitted a complaint with the state's board of professional engineers Thursday. The eight-member board — part of the Department of Labor, Licensing and Regulation — is responsible for enforcing the state's engineering laws.

The complaint comes nearly a month after The Post and Courier published an investigation highlighting how Westinghouse — with the knowledge of SCANA, the project's majority owner — used unlicensed workers to draft the construction drawings before the expansion was scrapped in July.

The Post and Courier investigation uncovered a 2012 legal opinion by Westinghouse's deputy general counsel that contended contractors building the reactors in Fairfield County could disregard the state law that requires professional engineers to sign off on construction drawings and engineering calculations.

That opinion also applied to the two sister reactors under construction at Georgia Power's Vogtle nuclear plant near Augusta.

Westinghouse's lawyer suggested federal licenses from the Nuclear Regulatory Commission superseded any state engineering law. But officials with the NRC told The Post and Courier that authority fell to South Carolina and other states where the nuclear reactors were built.

Westinghouse declined to comment Thursday on the news of the complaint.

In past weeks, the state engineering board members, who are appointed by the governor, declined to open an investigation on their own into the reactor designs at V.C. Summer. Without a formal complaint, they said, the board didn't have the authority to determine if Westinghouse and other contractors had followed state law.

"The board investigates matters arising from a complaint or complaints filed with the agency," Lesia Kudelka, a spokeswoman for the Department of Labor, Licensing and Regulation said last week. "To the best of our knowledge, the agency has not received a complaint related to unlicensed engineering at V.C. Summer."

That changed Thursday with Clements' letter to the board.

Clements, who has opposed the construction of the nuclear reactors for years, argued there was "ample reason to initiate an investigation." He cited the 2012 legal opinion, The Post and Courier's investigation and a once-secret 2016 audit that found the designs for the reactors were "often not constructible."

Clements wrote that the plant's majority owner and primary contractor wanted to "avoid following state law as a way to cut costs and speed up the schedule, while ignoring potential impacts to health and safety."

Kudelka said the agency couldn't acknowledge whether it had even received the complaint Thursday because of confidentiality rules. She assured the board will initiate investigations into any formal complaint.

A federal grand jury, the Securities and Exchange Commission and the State Law Enforcement Division already opened investigations into the nuclear construction — one of the largest projects in state history.

An investigation by the state engineering board, however,

could provide the technical knowledge needed to determine if the state's engineering laws were violated.

The board has the power to subpoena documents and witnesses. It can also issue fines and request criminal penalties be filed against individuals or companies, including charges of fraud, deceit or gross negligence.

"The Department of Labor, Licensing and Regulation has so far stayed on the sidelines of this situation," Clements said Thursday, "but it's time for them to get involved and let the public know if the reactors were designed to required professional standards or not."

Reach **Andrew Brown** at 843-708-1830 or follow him on Twitter @andy\_ed\_brown.

**Andrew Brown**